

DEFENDANT: STATE OF TEXAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED
5-9-22

MAY 26 2022

MOTION TO VACATE JUDGEMENT (UNDER "RULE 60", VOID JUDGEMENT)

B-22-061

NATHAN OCHSNER
CLERK OF COURT

THIS MOTION COMES FOR 4 REASONS (GROUNDS). THE TRIAL COURT (197th DISTRICT- CAMERON CO.

2012 DCR 1617 C) HAD "NO JURISTCTION". ALSO "FRAUD!" I AM INCLUDING A NARRITIVE OF EXHIBITS THAT OVERWHELMINGLY PROVE, WITHOUT A DOUBT, THAT THE TRIAL COURT, THE D.A. AND ALL THE ATTORNEYS INVOLVED – FALSIFIED MOST OF THE RECORDS AND COOPERATIVELY SABOTOGED MY APPEAL.

ALSO..."COMPLETE LACK OF EVIDENCE...WHICH ONLY INCLUDES 2 FRAUDULENT POLICE REPORTS.

AND FINALLY, THIS PRESENTATION OF THE RECORDS PROVES MULTIPLE CASES OF "INEFFECTIVE ASSISTANCE OF COUNSEL" AS SPELLED OUT IN THE CONSTITUTION AS WELL.

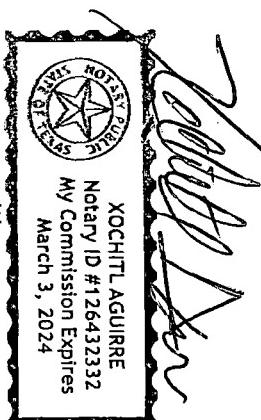
I HAVE MADE NUMEROUS ATTEMPTS OVER THE YEARS TO GET "DISCOVERY" FROM THE TRIAL COURT...TO NO AVAIL. THERE WAS NEVER ANY DISCOVERY IN THIS CASE.

THIS IS NOT A "HABIAS CORPUS" MOTION AS I AM NOT ENCARCERATED. I DID MY ENTIRE 10 YEAR SENTENCE. AND I DON'T NEED ANY PERMISSION TO PROCEED FROM THE 5th CIRCUIT COURT OF APPEALS.

THIS IS AN INDEPENDENT MOTION.

AND LAID OUT IN MY 15 PAGE NARRITIVE OF EXHIBITS (FALSIFIED COURT RECORDS), IS ABSOLUTE PROOF OF FRAUD.

I PRAY I PRAY FOR THE COURTS FAVOR IN THIS MATTER.



SCOTT HESS. MAILING ADDRESS...3604 BOCA CHICA APT. # 7 BROWNSVILLE, TX. 78521.

(956) 443-9584.

Scott W. Hess S-26-22

Sworn and Subscribed Before me

This 05.26 2022

ORIGINAL POLICE REPORT (SEE EXHIBIT 1)

ON, 4/19/12, I WAS MINDING MY OWN BUSINESS, IN MY OWN HOTEL ROOM HAVING "SEX" WITH MY FIANCÉE, ROMANA GARCIA. WELL ROMANA TURNED OUT TO BE QUITE THE "NOISY LOVER!"

THIS DREW THE ATTENTION OF SOME MISCHIEVOUS KIDS, WHO VENTURED OUT ONTO THE ROOF TO GET AN EARFUL. THERE WASN'T SUPPOSED TO BE ANYBODY ON THE ROOF! I HAVE COLOR PHOTOS SHOWING THIS!

AT THE TIME I KNEW I HAD PUT MY SHORTS ON, THEN PULLED BACK THE CURTAIN TO INVESTIGATE THIS "INTRUSION" ON OUR PRIVACY. THE SHORTS MATCH MY SKIN COLOR, "KHAKI" AND AFTERWARDS, I UNDERSTOOD THE MOTHER OF THESE KIDS TO BE MISTAKEN WHEN SHE ACCUSED ME OF EXPOSING MYSELF. IT ALL HAPPENED SO FAST.

THERE WAS ALSO, THE CHILDRENS MOTHERS HUSBAND (OR EX-HUSBAND OR BOYFRIEND) .. WHOM I ASSUMED TO BE THE FATHER OF THE KIDS, THEY WERE "WHITE" AND APPARENTLY WERE FROM OUT OF TOWN, UP NORTH, AS 99% OF THE LOCALS ARE HISPANIC IN THE VALLEY. I UNDERSTOOD HIM TO BE NEXT TO THE MOTHER (OF THESE KIDS) ON THE BREEZEWAY; WHEN THIS VERY BRIEF, MOMENTARY INCIDENT OCCURRED, HE WAS STANDING NEXT TO THE MOTHER AND DID NOT LOOK IN MY DIRECTION. I AM CERTAIN OF THAT!

THEN THE HOTEL MANAGER, AND THIS COUPLE "BURST" INTO OUR ROOM, "UNINVITED!" BOTH MYSELF AND MY FIANCÉE ROMANA, WERE IN A STATE OF SHOCK! THE MOTHER WAS "IRRATIONAL" AND TRIED TO ATTACK ME, SHE SEEMED VERY UNSTABLE, AS IF SHE MIGHT BE ON DRUGS. HER HUSBAND (OR EX), HAD TO PHYSICALLY HOLD HER BACK FROM ATTACKING ME, SHE THREW MY SHOES AT ME, ASSAULTING ME AND... THEN SHE "GRABBED" MY CELL PHONE (AND MY CIGARETTES) AND CALLED 911.

WHEN THE POLICE SHOWED UP... IT HAD BEEN ABOUT 20 MINUTES SINCE THIS "SUPPOSED" INCIDENT OCCURRED. DURING THAT TIME, MY FIANCÉE FINISHED GETTING DRESSED AND LEFT THE SCENE AND RAN BACK TO MEXICO, TO THE BRIDGE DOWNTOWN. I ASSUMED THAT HER TEMPORARY "PERMISSO" HAD EXPIRED AND SHE GOT "SCARED-OFF" ONCE THE POLICE HAD ACTUALLY BEEN CALLED.

THE ONLY OTHER ADULT WITNESS, ACCORDING TO THE ORIGINAL POLICE REPORT, WAS "ANGELA" FLORES", A KNOWN DRUG ADDICT AND PROSTITUTE WHO FREQUENTED THE HOTEL.

ANGELA WAS ONE OF THE "HOMELESS" PEOPLE THAT I MINISTERED TO. I HAD BEEN OPERATING A RESCUE MISSION AND FOOD BANK (MINISTERING TO THE HUNGRY FROM THE CITY OF MATAMOROS AND THE HOMELESS IN BROWNSVILLE). I AM IN THE MINISTRY, YOU SEE. ANGELA KNOWS ME AS "BROTHER SCOTT" WHO WAS KIND TO HER, OCCASIONALLY BUYING HER CLOTHES AND FOOD. SHE THINKS VERY HIGHLY OF ME AND WOULD NEVER FALSIFY A POLICE REPORT AGAINST ME.

I BELIEVE THAT THE ARRESTING OFFICER KNEW ANGELA AND KNEW SHE STAYING AT THE HOTEL AND "FABRICATED" HER REPORT. BECAUSE AS FAR AS I KNOW, (AT THE TIME) 2 ADULT WITNESSES ARE NEEDED TO ARREST SOMEONE, NOT JUST ONE!

IF YOU EXAMINE THE REST OF THE ORIGINAL POLICE REPORT, (7PAGES), YOU WILL SEE THAT NO SIGNATURE IS ON HER "ALLEGED STATEMENT". YOU WILL ALSO SEE A "BOX" FOR THE OFFICER TO CHECK, (ON THE REPORT), STATING THAT THE WITNESS "REFUSED" TO SIGN. THERE IS NO "CHECK MARK" IN THAT BOX EITHER.

THE REPORT IS FURTHER SLANTED, IN THE OFFICERS "OPINION", THAT I "HIT" THE WINDOW TO GET THE GIRL'S "ATTENTION", WHICH IS NOT TRUE AT ALL. I "HIT THE WINDOW TO RUN THEM OFF"! WE HAD A CERTAIN LEVEL OF "EXPECTED PRIVACY" HERE.

AT THE TIME, I COULD NOT BELIEVE I WAS ACTUALLY BEING ARRESTED. THIS WAS ALL JUST A HUGE "MISUNDERSTANDING". IF I HAD ONLY BEEN GIVEN A "CHANCE" TO EXPLAIN. THE OFFICER ARRESTED ME WITH NO QUESTIONS ASKED WITH ONLY ONE (ADULT) WITNESS AND NO CORROBORATING EVIDENCE. THIS IS A CASE OF FALSE ARREST !

SUPPLEMENTAL POLICE REPORT (SEE EXHIBIT 2)

HERE WE SEE THAT DETECTIVE DAVID NAVARRO JR., HAS TAKEN THE LIBERTY TO ENHANCE THE REPORT BY ADDING TO THE "INDECENT EXPOSURE" REPORT, "INDECENCY WITH CHILD BY SEXUAL CONTACT," WHICH IS A HIGHER FELONY.

NOW, LOOKING AT THE DATE OF THE REPORT, 5/15/2011... ALMOST A YEAR BEFORE THIS ALLEGED INCIDENT... HOW COULD A DETECTIVE NOT KNOW WHAT DAY IT IS?

THIS IS "SUSPICIOUS". HE STATES THAT HE ACQUIRED "VIDEO EVIDENCE". IT WAS NEVER SHOWN TO ME. SO, I AM SAYING-THERE IS "NO VIDEO EVIDENCE", AND THAT THIS POLICE REPORT IS A "FABRICATED" DOCUMENT USED TO TRY TO "BLUFF" ME AND TO TRY TO CONVINCE ME, THAT THERE WAS "NO HOPE OF APPEAL".

I NEVER HAD THE PRIVILEGE OF ANY "DISCOVERY" IN THIS CASE. I BELIEVE ALL THE D.A. HAS IS MY "COERSED" GUILTY PLEA, AND THAT THEY HAVE "NO WITNESSES", AND WITH THE NAME GIVEN BY THE ALLEGED COMPLAINANT... "SMITH"...I HAVE SERIOUS DOUBT THAT THIS ESTRANGED FAMILY WANTED ANYTHING MORE TO DO WITH CASE AFTER THE ARREST, AND THAT "SMITH"... IS A FABRICATED NAME!

AND THE FATHER OF THE KIDS DID NOT SPEAK TO ANY POLICE. EVEN IF THE FAMILY WERE TO BE "CROSS EXAMINED" MY SIDE OF THE STORY WOULD ONLY BE PLAUSABLE, BUT LIKELY! ANY "VIDEO EVIDENCE" IN THIS MATTER WOULD ONLY HELP ME CLEAR MYSELF.

PHOTOS OF HOTEL (SEE EXHIBIT 3)

I HAVE COLOR PHOTOS FROM 2013 THRU 2018... FROM "GOOGLE", AS YOU CAN SEE, THE ROOF OF THE HOTEL IS SHOWN AS JUST THAT, A BARREN ROOF, OBVIOUSLY NOT A PUBLIC AREA AS PICTURED IN 2015. THEN WE SEE 2017 PHOTOS OF THE ROOF AREA "UNDER CONSTRUCTION", FINALLY WE SEE PART OF THE ROOF AS SOME SORT OF A "SUN PORCH" NOW A PUBLIC AREA BECAUSE OF A CITY GRANT IN 2016... FOR "RENOVATIONS" BUT IN 2012, THE ROOF AREA WAS OBVIOUSLY "NOT" A PUBLIC AREA WHEN THE ALLEGED INCIDENT IS SUPPOSED TO HAVE OCCURED. THE ROOF AREA WAS JUST TAR AND GRAVEL.

THE MANAGER OF THE HOTEL BACK IN 2012, IS MY STEP-DAUGHTERS UNCLE! IF THE MANAGER OF THE HOTEL HAS CHANGED, I CAN STILL GET IN TOUCH WITH THIS GENTLEMAN. HE IS A WITNESS TO "THE BIG SCENE" THAT THE ALLEGED COMPLAINANT CAUSED IN OUR HOTEL ROOM. HE SHOULD ALSO BE ABLE TO DISCUSS THE RENOVATIONS TO THE HOTEL, AND HOW BACK IN 2012 THERE WAS NO "SUN PORCH" AS OF YET!

INDICTMENT (SEE EXHIBIT 4)

I WAS INDICTED IN THE 103rd DISTRICT COURT, BUT WAS TRIED IN THE 197th DISTRICT COURT, THIS DOCUMENT IS VOID. IT EXPLAINS THAT I HAD INTENT TO ARPOUSE OR GRATIFY THE "SEXUAL" DESIRE OF THE GIRLS, NOT TRUE! IT ALL HAPPENED SO FAST, THIS "ALLEGED INCIDENT" WAS ONLY "MOMENTARY"....THERE WAS NO INTENT, NO CRIME, EVEN IF I WAS NAKED! THE LAW IS QUITE CLEAR! I AM SUPPOSED TO HAVE THE OPPORTUNITY TO BE PRESENT WITH MY ATTORNEY, AT THE GRAND JURY HEARING! I COULD HAVE MADE A STATEMENT AND NEVER INDICTED! I HAD NO DISCOVERY AND NO "EVIDENTIARY HEARING"!

I WAS NOT ACTUALLY GIVEN COUNSEL UNTIL THE JUDGE, HON. MIGBALIA LOPEZ, APPOINTED MR. LUIS SUROLA, IN COURT SEPTEMBER, (THE ALLEGED EVENT OCCURED IN APRIL OF 2012) SO HOW COULD I HAVE BEEN INDICTED, WHEN I DID NOT EVEN HAVE COUNSEL?

ORDER TRANSFERRING CAUSE (SEE EXHIBIT 5)

WHY WAS MY CASE TRANSFERED TO ANOTHER DISTRICT COURT?

THE SIXTH AMENDMENT IS VERY CLEAR, I HAVE THE RIGHT, CONSTITUTIONALLY, TO BE TRIED "IN THE DISTRICT WHERE THE (ALLEGED) CRIME OCCURED"

THE JUDGEMENT IS THEREFORE VOID! IT IS AS SIMPLE AS THAT, AND I CAN RAISE THIS ISSUE IN THE COURT, "AT ANY TIME" (VOID JUDGEMENT).

NOTICE OF ARRAIGNMENT (SEE EXHIBIT 6)

AM I NOT SUPPOSED TO BE ARRAINED JUST HOURS AFTER MY ARREST, AND NOT MONTHS? IS THIS NOT ANOTHER VIOLATION OF "DUE PROCESS"?

PSYCHIATRIC REPORTS (SEE EXHIBIT 7)

HERE WE HAVE 2 REPORTS:

COMPETENCY TO STAND TRIAL AND STATE OF MIND AT THE TIME OF THE INCIDENT.

THE ACTUAL "DATE OF EXAM" WAS IN THE FIRST WEEK OF AUGUST(2012), IF I AM NOT MISTAKEN.

THE "OBVIOUS" PROBLEM I HAVE IS THE LETTERHEADS OF THESE 2 REPORTS. THEY SHOW DR. MORON AT A PRIVATE PRACTICE, "SUPPOSEDLY" IN HIS HOME, IN HARLINGEN, WITH A BROWNSVILLE ZIP CODE? THIS IS SIMPLY NOT POSSIBLE! HARLINGEN HAS A DIFFERENT ZIPCODE!

I DID NOT RECEIVE MY COPY OF THESE REPORTS UNTIL I WAS ^{APPOINTED APPELLANT} COUNSEL BY THE TRIAL COURT; THE ATTORNEY JOE KRIPPLE, FROM UP NEAR HOUSTON! ACCORDING TO ONE OF HIS LETTERS TO ME, HE IS UNDER THE IMPRESSION THAT THE ZIP CODE, 78521, WAS FOR BROWNSVILLE AND "SOUTHWESTERN CAMERON COUNTY" THIS IS NOT TRUE!

THIS ATTORNEY OBVIOUSLY FALSIFIED THESE LETTERHEADS, TO MAKE ME BELIEVE THAT DR. MORON IS A PRIVATE PSYCHIATRIST AND WAS OPERATING IN HIS PRIVATE PRACTICE CAPACITY.

DR. MORON IS A "STATE" PSYCHIATRIST, AND NOT A "PRIVATE" PSYCHIATRIST, AND WAS OPERATING IN HIS CAPACITY WITH THE "STATE" AND NOT IN HIS "PRIVATE CAPACITY" AT ALL.

THIS IS YET ANOTHER VIOLATION OF "DUE PROCESS". THE LETTERHEADS ON HIS REPORTS WERE CHANGED, FALSIFIED BY ATTORNEY KRIPPLE. THIS IS HOW CAMERON COUNTY HAS BEEN GETTING BY WITH EACH AND EVERY DEFENDANT RECEIVING A PSYC' EVALUATION. THIS IS THE COUNTY'S WAY AROUND THE LAW!

NO WHERE IN THE "CLERKS" RECORD DO WE FIND THESE REPORTS. MANY DOCUMENTS ARE NOT INCLUDED IN THE TRIAL COURTS RECORDS, INCLUDING THESE PSYCHIATRIC REPORTS. THERE WAS NO WRITTEN PORTION TO THE EXAM, A "PROPER" PSYCHIATRIC EXAM INCLUDES A RATHER LENGTHLY WRITTEN EXAM FOR THE PERSON IN QUESTION. THE RESULTS ARE FEED INTO A COMPUTER AND AID THE DOCTOR IN MAKING THE DIAGNOSIS. I WAS NOT GIVEN A WRITTEN EXAM, IN FACT THE EXAM TOOK ABOUT FIVE MINUTES, AND NOT AN "HOUR" AS THE DOCTOR CLAIMS. HE TAPE RECORDED THIS SESSION, AND I STILL HAD NO COUNSEL. IN FACT, THIS WAS THE FIRST OFFICIAL I WAS ABLE TO GIVE A STATEMENT TO, SINCE THE ALLEGED INCIDENT. I BELIEVED THAT I WAS ACTUALLY GUILTY OF "INDECENT EXPOSURE", WHICH I UNDERSTOOD TO BE MY CHARGE, WHICH IS A MISDEMEANOR I HAD BEEN TOLD AGAIN AND AGAIN BY THE OFFICERS THAT I WAS GUILTY AND THIS CONFUSED ME!

DURING THIS FIVE MINUTE SESSION, I TOLD HIM WHAT HAPPENED, AND MADE IT CLEAR, THAT THIS EXPOSURE, (IF THERE WAS ANY), WAS COMPLETELY "INADVERTANT"! YET, THIS RECORDING MADE IT INTO THE HANDS OF THE D.A. AND I WAS TOLD I HAD MADE A CONFESSTION! AND THIS WAS USED TO COERSE ME INTO AN "INVOLUNTARY" GUILTY PLEA. I DID NOT KNOW THE "DEFINITION OF THE CRIME" AT THAT TIME. I WAS NOT TOLD THE "STATUTE", WHICH STATES THAT I HAD "INTENT TO AROUSE CHILDREN" AS THERE WAS NO ARRAIGNMENT. THE DOCTOR MORON, LIED, THE EXAM WAS NOT AN HOUR! THE DOCTOR ONLY ASKED ME 4 OR 5 QUESTIONS, HALF OF WHICH I COULD NOT ANSWER. I DID NOT EVEN KNOW WHAT DAY IT WAS!

YOU SEE, I HAD EARLIER HOSPITAL STAYS AT THE RIO GRANDE "STATE" CENTER, BOTH LESS THAN 30 DAYS. HE MUST HAVE "EXTRAPOLATED" INFORMATION FROM THESE HOSPITALS RECORDS TO PREPARE THESE TWO REPORTS, ALSO, IF SOMEONE IS IN NEED OF HOSPITALIZATION(AND COMPETENT TO BE RELEASED), IN LESS THAN 30 DAYS...THEN HOW IN THE WORLD DOES THE DOCTOR MAKE AN ASSESSMENT OF MY STATE OF MIND 3 MONTHS EARLIER? IT IS SIMPLY NOT POSSIBLE. THIS EXAM WAS TOO LITTLE TOO LATE. THE CASE SHOULD HAVE BEEN DISMISSED. THE D.A., MY APPOINTED COUNSEL(MR. SOROLA), AND JUDGE LOPEZ SHOULD HAVE SEEN TO A DISMISSAL, THIS IS A CASE OF "MALICIOUS PROSECUTION" ALSO, DR. MORON STATES THAT I WAS, IN FACT, "DELUSIONAL" AT THE TIME OF THE EXAM. HE NOTED THAT I WAS UNDER THE IMPRESSION, THAT I WAS CARRYING, "OTHER SPIRITS"!

"IN THE COUNTY JAIL, I WAS SUFFERING FROM EXTREME "SLEEP DERIVATION" AND IT IS A MATTER OF RECORD THAT I WAS "NOT STABLE" ON THE PSYCHIATRIC MEDICATIONS. THE PSYCHIATRIC PROVIDER, TROPICAL TEXAS BEHAVIORAL HEALTH (DR. GARZA), HAD ME SO "DOPED UP" ON A TRANQUILIZER, CALLED "TRAZADONE" THAT I WAS EXTREMELY FOGGY, AND NOT IN MY RIGHT STATE OF MIND AT ALL! ITS A MATTER OF RECORD, THAT I CAN NOT TAKE A "MOOD" "STABILIZER" IN THIS UNSTABLE CONDITION, I WAS TAKEN ADVANTAGE OF BY THE COURT, THE D.A., AND MY OWN ATTORNEY, AS THEY WERE ALL AWARE OF MY MENTAL CONDITION AT THE TIME OF TRIAL. THESE REPORTS HAVE BEEN FALSIFIED, AND THEREFORE VOID.

ORDER APPOINTING PSYCHIATRIST (SEE EXHIBIT 8)

THIS IS A "FABRICATED" FALSE DOCUMENT. HOW IS IT THAT THIS ORDER IS DATED AUGUST, 7th OF 2012, YET, THE ACTUAL EXAM WAS PRIOR TO THAT? (IF I AM NOT MISTAKEN). THERE SHOULD BE A RECORD OF DR. MORONS VISIT TO ME IN COUNTY JAIL, SHOWING NOT ONLY THE DATE OF THIS VISIT, BUT HOW LONG HE STAYED. I BELIEVE THERE IS A RECORD OF "TIME IN" AND "TIME OUT" SHOWING THAT IT WAS CERTAINLY NOT AN HOUR LONG VISIT, AS HE CLAIMS IN HIS REPORTS TO THE COURT. THE ORDER IS FOR THE DOCTOR TO EXAMINE ME ON 8/17/19, HOWEVER, AGAIN, THE EXAM HAD ALREADY BEEN DONE BY THEN! HON. JUDGE MIGDALIA LOPEZ HAS FALSIFIED THIS ORDER.

LETTER FROM DR. MORON (SEE EXHIBIT 9)

I WROTE DR. MORON, AT THE "RIO GRANDE STATE CENTER", WHERE HE IS LISTED. THERE IS NO LISTING OF A "PRIVATE" ADDRESS. HE ADVISED ME THAT THE RECORDS BELONG TO THE COURT, (OR, TO THE HOSPITAL). HE FURTHER STATES, THAT HE HAS NO RECORD OF SEEING ME ON A "PRIVATE BASIS". HE ENCLOSES THIS LETTER WITH THE RETURN ADDRESS BEING "RIO GRANDE STATE CENTER" AT, 1401 RANGERVILLE RD., HARLINGEN, TEXAS 78551, AND NOT 78521. SEE A COPY OF THIS ENVELOPE, IN (EXHIBIT 10).

I WROTE THE SUPERINTENDENT OF THE STATE HOSPITAL IN HARLINGEN AND ASKED HER ABOUT THE 2 REPORTS WITH FALSIFIED LETTERHEADS... THE "SUPPOSED" PRIVATE PRACTICE OF DR. MORON WITH A HARLINGEN ADDRESS AND A BROWNSVILLE ZIP CODE... AND SHE (SONYA HERNANDEZ KEEBLE) OUTRIGHT LIES TO PROTECT THE HOSPITAL, AS I FILED A FEDERAL CIVIL SUIT AGAINST THE HOSPITAL AND DR. MORON. SEE DOCKET OF MY LAWSUIT IN EXHIBIT 12.

APPOINTMENT OF ATTORNEY (SEE EXHIBIT 13)

SANTIAGO GALARZA WAS, IN FACT, APPOINTED TO ME BY JUDGE LOPEZ. HOWEVER, MR.GALARZA NEVER REPRESENTED ME AT ALL,FOR THESE TWO FELONY'S. HE NEVER SHOWED UP IN COURT,HE NEVER VISITED ME IN COUNTY JAIL, CONCERNING THESE 2 FELONY'S.

HE LATER REPRESENTED ME, AFTER THIS CASE WAS DECIDED IN OCTOBER OF 2012, FOR THE SUBSEQUENT 2 CHARGES OF "INDECENT EXPOSURE" TO THE ADULTS, 2 MISDEMEANORS. HE CAME TO VISIT ME CONCERNING THOSE CHARGES. I WOULD NOT PLEAD GUILTY TO THOSE 2 MISDEMEANORS AND I UNDERSTAND THEY WERE EVENTUALLY DROPPED.

THE COUNTY JAIL HAS THE RESPONSIBILITY TO MAKE CERTAIN YOU HAVE COUNSEL APPOINTED WITHIN 48 HOURS AFTER ARREST! I MADE AN ISSUE OF THAT IN MY FEDERAL "WRIT" (2254),DOCKET NO. 50. I PRESENTED CASE LAW SOWING THAT THIS IS A "MISCARRIAGE OF JUSTICE" WHICH IS "SUPPOSED TO" OVERRIDE ANY "PROCEDURAL BAR" IN THE U.S. DISTRICT COURT,YET MY "FEDERAL WRIT" WAS DISMISSED,"WITH PREJUDICE" AND I WOULD LIKE TO KNOW WHY?

CRIMINAL DOCKET (SEE EXHIBIT 14)

THE ENTRY MADE ON,8/7/12,IS A COMPLETE LIE. MY APPOINTED ATTORNEY, SANTIAGO GALARZA DID NOT SHOW UP AT ALL! I WAS NOT ARRAIGNED. I DID NOT MAKE ANY PLEA. THE HANDWRITTEN "NOTE" THAT MY "ATTORNEY" REQUESTED A PSYCHIATRIC EVALUATION IS ALSO A LIE. THAT IS WHY THE COURT REPORTER HAS "NO" MINUTES FOR THIS DATE.

I AM THE ONE WHO, WITHOUT COUNSEL, REQUESTED MY OWN PSYCHIATRIC EVALUATION,BEFORE THIS DATE.

THE BRIEF INTERVIEW,(SUPPOSED PSYCHIATRIC EVALUATION), WITH DR. MORON WAS IN THE "OLD COUNTY JAIL," DOWNTOWN, BEFORE, 8/7/12. I DID "NOT" HAVE THE PRIVILAGE OF CONSULTING WITH ANY ATTORNEY PRIOR TO THE PSYCHIATRIC EXAM... CONTRARY TO CASE LAW WHICH I SUPPLIED IN MY SUBSEQUENT "WRIT" NO.WR-80-585-02,WITH THE COURT OF CRIMINAL APPEALS OF TEXAS IN MY OUT-OF-TIME APPEAL NO.WR-80-585-03; AND MY FEDERAL "WRIT" "2254" CAUSE NO.1:13cv190.

I HAVE A RIGHT TO CONSULT WITH COUNSEL, BEFORE SUBMITTING TO A PSYCHOLOGICAL EVALUATION. I HAD "NO" COUNSEL AS OF THIS TIME. THE PSYCHIATRIC EVALUATION IS AGAIN "VOID". THIS IS WHY THE COURT ADMINISTRATOR, NORA ANDERSON VASQUEZ "LIED".

THE ENTRY MADE ON, 8/8/12 IS ALSO NOT TRUE. THE PSYCHIATRIC EXAM HAD ALREADY TAKEN PLACE. THE ENTRY FOR 9/14/12, I NEVER ASKED TO BE "RE-ARRAIGNED".

"WAIVER" OF ARRAIGNMENT" (SEE EXHIBIT 15)

I WAS SITTING IN COURT, WHEN WHOM I ASSUMED WAS MR. GALARZA, MY COURT APPOINTED ATTORNEY, CAME UP TO ME AND DEMANDED, THAT I SIGN THIS FORM, TWICE. I ASKED HIM "ARE YOU MR. GALARZA"? HE DID NOT ANSWER.

I FOUND OUT MUCH LATER, (AFTER OCTOBER 10th, 2012, WHEN THIS CASE HAD FINISHED), THAT THE MAN IN COURT WITH ME WAS NOT MR. GALARZA WHOM HAD ME SIGN WHAT I ASSUMED WAS A "POWER OF ATTORNEY", A FORMALITY I UNDERSTOOD WAS THE FIRST THING A NEW ATTORNEY HAS YOU SIGN.

THE REAL "MR. SANTIAGO GALARZA" WAS A COMPLETELY NEW FACE, THAT I SAW IN LATE OCTOBER, 2012, AND I NEVER FORGET A FACE!

MR. GALARZA CAME TO VISIT ME IN COUNTY JAIL, TO REPRESENT ME IN THE 2 ACCOMPANYING "MISDEMEANORS" FOR "INDECENT EXPOSURE" TO THE 2 ADULTS. (YET THERE WAS ONLY ONE ADULT WITNESS TO THE "ALLEGED" INCIDENT), AND THE REAL MR. GALARZA TRIED DESPERATELY TO GET ME TO PLEAD GUILTY TO THESE 2 MISDEMEANORS, AND I ASKED HOW "PLEADING GUILTY" WOULD AFFECT MY "APPEAL" IN THE FELONY CASES, HE INSISTED HE WAS NOT THERE TO REPRESENT ME IN THE FELONY CHARGES, BUT RATHER, ONLY IN THESE MISDEMEANORS. HE WAS "FERVANT" ABOUT THAT.

ON, 8/7/12, (IF IT WAS IN FACT 8/7/12), I AM NOT CERTAIN THAT IT WAS IN FACT THAT DATE, WHEN HE PRESENTED ME WITH THIS BLANK FORM. IT WAS ANOTHER ATTORNEY WHO HAD SIGNED, IN LIGHT OF MR. GALARZA'S ABSENCE.

IN JUDGE LOPEZ'S COURT, THERE WERE 2 "REGULAR DEFENSE ATTORNEYS WHO HANDLED MOST OF THE CASES ALL THE TIME. I SAT IN THE COURT 5 TIMES AND I SAW AGAIN AND AGAIN, THIS SAME "REGULAR" ROUTINE. ONE OF THE "REGULAR" DEFENSE ATTORNEYS WAS MR. SOROLA, WHO ENDED UP BEING APPOINTED TO ME LATER, BY THE JUDGE. HE IS A SLENDER GENTLEMAN. THE OTHER, IS A HEAVY SET GENTLEMAN, NOT MR. GALARZA, I WILL NEVER FORGET HIS FACE. HE WAS THE ONE WHO HAD ME SIGN THIS BLANK WAIVER AND HE IS THE ONE WHO FORGED MR. GALATZA'S INITIALS, THAT I FOUND OUT IS "CLOSE" TO HOW MR. GALARZA SIGNS HIS NAME. THIS WAS A CASE OF FORGERY. MR. GALARZA NEEDS TO BE QUESTIONED ABOUT THIS MATTER! THE COURT WAS WELL AWARE OF THE FACT THAT THIS WAS NOT MR. GALARZA AND COMMITTED AN ACT OF JUDICIAL MISCONDUCT BY ALLOWING IT TO HAPPEN. THIS FORM IS SIGNED BY JUDGE LOPEZ, AND ON THIS DAY OF COURT, THERE ARE "NO" MINUTES RECORDED BY THE COURT REPORTER.

THERE WAS "NO" DISCUSSION OF ANY KIND, BETWEEN MYSELF AND THIS "HEAVY SET" ATTORNEY. I HAD NO "ARRAIGNMENT" AT ALL... AND THERE WAS NO REQUEST MADE BY THE ATTORNEY FOR A PSYCHIATRIC EVALUATION. THE PSYCHIATRIC EVALUATION WAS RECORDED ON TAPE AND THE DATE IS MENTIONED ON THE TAPE. THE D.A. HAS SAID RECORDING. MY ATTORNEY (MR. SOROLA), TOLD ME THAT THE D.A. HAD MY "CONFESSSION". NOTHING CAN BE FURTHER FROM THE "TRUTH". I TOLD DR. MORON, BEING THE FIRST OFFICIAL I SPOKE WITH, MY SIDE OF THE STORY, AND I MADE IT CLEAR THAT THE "ALLEGED" INCIDENT WAS COMPLETELY "INADVERTANT" IF ANYTHING. I WASN'T WORRIED UNTIL THIS TIME.

I KNEW THERE HAD TO BE "INTENT" FOR A CRIME TO HAVE BEEN COMMITTED, AND THAT I HAD NO INTENT, EVEN IF I WAS NAKED. BUT WHEN MY ATTORNEY MR. SOROLA TOLD ME I HAD MADE A "CONFESSION" I BELIEVED THAT I WAS GUILTY... (EVEN THOUGH IN REALITY, I WAS NOT GUILTY). I THOUGHT, IN MY POOR PSYCHITRIC CONDITION, THAT THE LAW MUST HAVE CHANGED, AND INTENT WAS NOT NECESSARY FOR A CRIME TO HAVE BEEN COMMITTED. MUCH LATER (IN MARCH OF 2013), WHEN I MOVED TO A "STATE" FACILITY WITH ACCESS TO A LAW LIBRARY, I LOOKED UP THE "DEFINITION" OF A CRIME AND FOUND OUT, THAT, YES "INTENT" IS NECESSARY. I HAVE BEEN FIGHTING MY CASE FURVANTLY EVER SINCE.

SANTIAGO GALARZA LETTERS (SEE EXHIBIT 16)

I INQUIRED TO MR. GALARZA, WHO WAS ORIGINALLY APPOINTED TO ME IN THIS MATTER.... AND I ASKED HIM FOR A STATEMENT THAT HE DID NOT REPRESENT ME IN THIS CAUSE AT ALL. HE RESPONDED BY VERIFYING THAT HE DID NOT REPRESENT ME IN SAID CAUSE, AND INSTRUCTS ME TO CONTACT PRE-TRIAL SERVICES TO GET FURTHER VERIFICATION.

NOTICE THE 2 SIGNATURES ON 2 LETTERS. IT WAS AT THIS TIME I REALIZED THAT HIS SIGNATURE WAS IN FACT, FORGED ON THE WAIVER OF ARRAIGNMENT. I AM NO HANDWRITING EXPERT BUT THE DIFFERENCE IN SIGNATURES IS QUITE NOTICABLE. UNTIL THIS TIME I THOUGHT THE TWO "SCRIBBLES" ON THE WAIVER OF ARRAIGNMENT WERE NOTHING, AND THAT ONLY MY SIGNATURE APPEARS ON THE FORM.

PRE-TRIAL SERVICES LETTER (SEE EXHIBIT 17)

SO, I WROTE PRE-TRIAL SERVICES, AS MR. GALARZA HAD INSTRUCTED ME TO DO. THEY CONCURRED THAT MR. GALARZA WAS ORIGINALLY APPOINTED, BUT WAS REPLACED "FROM THE BENCH" BY LUIS SOROLA IN MR. GALARZA'S ABSENCE.

"STATUS HEARING" MINUTES (SEPT 5,2020(SEE EXHIBIT 18)

THIS IS, AS FAR AS I KNOW, AN ACCURATE ACCOUNT OF WHAT WAS SAID IN COURT THAT DAY, AND YOU WILL SEE THAT MR.GALARZA WAS IN FACT A "NO-SHOW". WE SEE HOW IT CAME TO BE THAT MR. SOROLA WAS IN FACT, THE ATTORNEY WHO DEFENDED ME. IT IS NOT RECORDED THAT THIS IS WHEN MR. SOROLA WAS APPOINTED BY THE JUDGE FROM THE BENCH... WHICH HE WAS.

MR. SOROLA ASSURED ME THE D.A. WAS "WORKING UP A SPECIAL MENTAL HEALTH PROBATION" FOR ME, AND MY MIND WAS SET AT EASE AT THIS TIME.

PLEA PAPERS (SEE EXHIBIT 19)

THIS WAS THE DAY I FOUND OUT THAT I MIGHT ACTUALLY GO TO PRISON, AND I WENT INTO A COMPLETE "PANIC ATTACK" FOR THE DURATION OF THE COURT SESSION. I WAS TOLD BY MR.SOROLA THAT NOW THE D.A. HAD MY "CONFESSION" AND THAT NOW, RATHER THAT THE "SPECIAL MENTAL HEALTH PROBATION" DISCUSSED PREVIOUSLY IN SAID COURT... THAT THE D.A. WAS ASKING FOR 5 YEARS TO BE SERVED IN PRISON, IN A PLEA BARGAIN OFFER.

I COULD NOT HEAR MR. SOROLA IN COURT, AS HE WAS ONLY SPEAKING AT A WHISPER. "IN THE COURT ROOM IS NO PLACE FOR AN ATTORNEY CLIENT CONFERENCE" SO HE TOOK ME OUT INTO THE HALL, AND I ASKED HIM WHAT TO DO? THIS WAS MY "ONLY" CONSULTATION WITH HIM! HE GAVE ME 3 OPTIONS: TAKE THE PLEA BARGAIN OF 5 YEARS..., GO TO TRIAL AND "TRY" TO GET IT DROPPED DOWN TO A MISDEMEANOR, WHICH IS THE CHOICE I SHOULD HAVE MADE. BUT MR. SOROLA MADE THIS CHOICE SOUND, NOT HOPEFUL. AND HE SAID, I COULD GET "10 YEARS" IN PRISON, IF FOUND GUILTY AND I GASPED! THEN HE TOLD ME THERE IS A "THIRD OPTION" THAT I TURNED DOWN THE PLEA BARGAIN OFFER AND MAKE A "COLD PLEA" BEFORE THE JUDGE. HE SAID, I HAD A BETTER CHANCE WITH THE JUDGE THAN WITH THE D.A., THAT "SHE" WOULD PROBABLY, GIVE ME THE "PROBATION", WE HAD DISCUSSED EARLIER. HE MADE THIS CHOICE SOUND AS IF IT HELD SOME HOPE. BUT I ENDED UP GETTING NOT FIVE YEARS IN PRISON FROM THE JUDGE, LATER AT SENTENCING, BUT THE FULL 10 YEARS!

AS FAR AS I KNOW LENIENCY IS TO BE GIVEN FOR A GUILTY PLEA, THIS IS A CASE OF "JUDICIAL PARTIALITY" AND IS NOT A LEGAL JUDGEMENT OR SENTENCE.

NOW, ON THESE "PLEA PAPERS" . . . THAT I COULD READ, BECAUSE I HAVE A.D.D. (IT WOULD TAKE ME A DAY TO READ THEM COMPLETELY) AS I WAS IN NO STATE OF MIND TO READ ANYTHING! PLUS THE FACT I CANT SEE WITHOUT MY READING GLASSES. I DID NOT KNOW WHAT I WAS ATTESTING TO, I NAIVELY PUT MY TRUST IN MY ATTORNEY.

ACCORDING TO THE VERY FIRST STATEMENT, I HAVE NEVER BEEN TREATED FOR "ANY" MENTAL ILLNESS...I CAN NOT SIGN THESE DOCUMENTS! I HAVE BEEN ON PSYCHIATRIC MEDICATIONS SINCE 1982. THE LAWYERS, AND THE COURT WERE AWARE OF THIS. IS THIS A CASE OF JUDICIAL MISCONDUCT? AS A MENTAL "OUT-PATIENT" I AM SUPPOSED TO BE "PROTECTED" FROM THIS SITUATION, THAT I WAS LURED INTO. I WAS IN NO CONDITION MENTALLY TO SIGNING ANY LEGAL DOCUMENTS! THE ATTORNEY LIED TO ME, HE TOLD ME THAT IF I WERE TO RECEIVE ANY PRISON TIME, THAT HE WOULD BE THE ONE TO HANDLE MY "APPEAL"... BUT HE DID NO SUCH THING. NO "ANDERS BRIEF" WAS FILED. THIS ISSUE ALONE, SHOULD GRANT ME RELIEF AND ALLOW ME TO SET ASIDE JUDGEMENT AND SENTENCE AND TO REQUEST, (THE TRIAL BY JURY), THAT I WAS "CHEATED" OUT OF. THIS ATTORNEY DID NOT ACT IN MY BEST INTEREST, AS HE IGNORED ALL MY DOCUMENTED MENTAL HEALTH ISSUES.

TRANSCRIPTS OF GUILTY PLEA (SEE EXHIBIT 20)

THIS DOCUMENT HAS BEEN "MANIPULATED" AND "FALSIFIED" BOTH THE COURT REPORTER MR. KARY RICHARDSON AND APPELLANT ATTORNEY, (LATER APPOINTED TO ME BY THE TRIAL COURT), JOE KRIPPLE OF POPRTER, TEXAS(HOUSTON AREA). I HAVE LETTERS FROM BOTH PARTIES STATING THAT THE DIGITAL RECORDING OF THAT DAY IN COURT (9/14/12), MATCH THESE TRANSCRIPTS AND THAT MY COPY IS CORRECT, NOT SO!

THERE IS NOTHING WRONG WITH MY LONG TERM MEMORY. I KNOW WHAT WAS SAID IN COURT AND WHAT WASN'T SAID. THERE ARE AT LEAST TWO INSTANCES OF FALSIFICATIONS. FIRST: JUDGE LOPEZ, IN HER "ADMONISHMENTS", STATES: I WAIVED MY RIGHT TO APPEAL. THIS CONFUSED ME,

BECAUSE THE ATTORNEY SAID THAT I COULD APPEAL, (IF GIVEN PRISON, HE WOULD BE THE ONE TO HANDLE MY APPEAL, SECONLDY: THE ATTORNEY NEVER USED THE WORDS, "BECAUSE HE IS ON MEDICATION" I NEED MORE TIME! WHILE THE ATTORNEY DID IN FACT ASK FOR "MORE TIME", ON 2 OR 3, OCCASIONS, HE WAS SIMPLY SAVING ME FOR LAST. HE WAS "JUGGLING" MANY CASE FILES AND IT WAS UNDERSTOOD THAT HE WAS INSINUATING THAT HE NEEDED MORE TIME TO GET HIS FILES STRAIGHT, THATS ALL. HE NEVER USED THE WORD "MEDICATION". I WAS LATER TOLD BY THE "APPELLANT ATTORNEY", THAT BECAUSE ATTORNEY SOROLA HAD SPENT EXTRA TIME WITH ME IN COURT THAT SOME HOW THE PLEA DOCUMENTS ARE VALID AND THAT THE ATTORNEYS "SPECIAL CARE" SOME HOW "ALEVIATES" THE LAW, THATS THE WAY I UNDERSTOOD IT.

AT NO TIME DID MR. SOROLA COUNSEL ME AT ALL; HE DID NOT EVEN ASK ME WHAT HAPPENED. HE FAILED TO PERFORM ANY PRETRIAL INVESTIGATION TO ASCERTAIN IF THIS INCIDENT REALLY OCCURED AND INTERVIEWED NO WITNESSES. THAT IS WHY I FILED MY FIRST WRIT OF HABEAS CORPUS ART11.07 APPLICATION, IN 2013. I DID NOT CHECK THE BOX ON PAGE 1 OF THE "ART.11.07" FOR "OUT OF TIME APPEAL" BECAUSE AT THAT TIME, I UNDERSTOOD THAT THE JUDGE TOLD THE "TRUTH", THAT I "CANNOT APPEAL" AND THAT THE ATTORNEY HAD LIED, WHEN HE TOLD ME HE WOULD BE HANDLING MY APPEAL. I WAS ABANDONED BY YET ANOTHER ATTORNEY.

MOTIONS FOR RECORDS (SEE EXHIBIT 21)

I HAD NO RECORDS WHEN I FILED MY FIRST STATE "WRIT". MY REQUESTS FOR FREE CLERK'S RECORDS AND REPORTERS TRANSCRIPTS WERE IGNORED BY THE COURT AND THE COURT CLERK, AS I WAS INDIGENT AND RECORDS WERE DENIED BECAUSE OF THIS. I HAVE COPIES OF SEVERAL MOTIONS I MADE FOR MY TRANSCRIPTS AND CLERKS RECORDS.

LETTER FROM COURT REPORTER RICHARDSON (SEE EXHIBIT 22)

AS YOU WILL SEE BY READING THIS LETTER, I WAS INQUISITIVE AS TO THE "FALSIFICATION" OF THE TRANSCRIPTS FOR THE "PLEA OF GUILTY", IN SEPTEMBER OF 2012. WHILE THE TRANSCRIPT IS MOSTLY TRUE, THERE IS SOME ALTERING OF THE RECORDS THAT CONSTITUTE COMPLETE "LIES". THESE ALTERING OF THE RECORDS MAKE ALL THE DIFFERENCE IN THE WORLD. THE REPORTER BOLDLY LIES AND "CLAIMS" THAT THE RECORDING OF THE COURT MATCHES THE TRANSCRIPT EXACTLY, NOT TRUE!! THERE ARE A FEW DISCREPENCIES, AND THIS NEEDS TO BE INVESTIGATED, I SERIOUSLY NEED ACCESS TO THAT DIGITAL AUDIO TAPE.

SENTENCING TRANSCRIPT (SEE EXHIBIT 23)

WHILE THERE IS ONLY ONE DISCREPENCY, FOR CERTAIN, IN THE WRITTEN MINUTES-VS-THE AUDIO TAPE. I REMEMBER AT THE END OF THE SESSION COMPLAINING TO THE JUDGE THAT WAS "THROWING THE BOOK AT A MENTAL PATIENT" YET IT HAS BEEN DELETED! WHY DID IT MATTER TO THE COURT TO HAVE THE REPORTER DELETE IT FROM THE RECORD??

LETTERS FROM THE "OTHER" REPORTER, SUE CHANEY (SEE EXHIBIT 24)

...SO, WHY DOES THIS REPORTER LIE ABOUT THE LAST STATEMENT I MADE? AGAIN WHY DID THE REPORTER DEEM IT NECESSARY TO DELETE MY STATEMENT FROM THE RECORD?

JUDGEMENT OF CONVICTION (SEE EXHIBIT 25)

HERE WE HAVE WHAT "APPEARS" TO BE A PERFECTLY LEGITIMATE RECORD OF WHAT HAPPENED IN THE COURT, BUT IS NOT, SEE ABOVE.

CASE SUMMARY (SEE EXHIBIT 26)

UNDER "PARTY INFORMATION" THE ATTORNEY FOR THE "STATE WAS NOT"MR. BRIAN ERSKIN" BUT RATHER WAS "PETER GILMAN,(ON COPY A).

I HAVE A PROBLEM WITH THE FALSE ENTRY ON, 8/7/2012, "ARRAIGNMENT HEARING" NOTICE ON COPY "B", LUIS SOROLA IS NO LONGER LISTED AS THE ATTORNEY FOR THE DEFENDANT. IT IS MY UNDERSTANDING THAT HE IS NOW A JUDGE.

S.C.F.O. (SEE EXHIBIT 27)

THIS IS THE ADVISE THAT WAS GIVEN TO ME BY APPELLANT ATTORNEY MR. MONCURE AT THE STATE COUNSEL FOR OFFENDERS. HERE HE MAKES IT ALL TOO CLEAR THAT BY PLEADING GUILTY I IN FACT, WAIVED MY RIGHT TO APPEAL... JUST LIKE JUDGE LOPEZ TOLD ME IN HER ADMONISHMENTS IN WHICH CASE, I SHOULD FILE A "WRIT OF HABEAS CORPUS"(ARTICLE 11.07) AND NOT AN "OUT OF TIME APPEAL", AND I DID NOT KNOW TO FILE A "DIRECT APPEAL". THIS IS WHY JUDGE LOPEZ LIED IN THE MINUTES OF THE (INVOLUNTARY), GUILTY PLEA, AND SHE WRONGFULLY TOLD ME, IN WRITING THAT I SHOULD HAVE FILED AN OUT-OF-TIME APPEAL, INSTEAD OF A WRIT. SEE WRIT ONE. NONE OF THIS EXPLAINS WHY THE ADMONISHMENT WAS DELETED FROM THE WRITTEN RECORD. I NEED THAT AUDIO RECORDING.

RIGHT TO APPEAL CERTIFICATE (SEE EXHIBIT 28)

THIS DOCUMENT DOES NOT BEAR MY SIGNATURE, AND HAS BEEN FABRICATED, AFTER-THE-FACT... FROM AFTER MY FILING OF MY FIRST WRIT OF HABEAS CORPUS ARTICLE 11.07, APPLICATION IN 2013. NOTICE, THAT IT IS UNCLEAR WHICH OPTION APPLIES IN THE TOP HALF OF THE FORM, BUT IT IS CLARAFIED AFTER THE JUDGES SIGNATURE, AND THAT THIS INFORMATION IS TERRIBLY FLAWED. IT STATES,(CONTRARY TO FACT), THAT I DO IN FACT HAVE THE RIGHT TO APPEAL, OR SO I THOUGHT AFTER JUDGE LOPEZ' ADMONISHMENT IN THE COURT APPEARANCE FOR THE "PLEA OF GUILTY", THAT I CAN NOT APPEAL. THIS FORM WAS NEVER SURRENDERED TO THE U.S. DISTRICT COURT, WHEN THE MAGISTRATE JUDGE, (U.S.D.C.), ORDERED ALL RECORDS PERTAINING TO THIS CASE ON 10/13/16, IN ORDER FROM THE U.S.D.C. DOCKET NO:5 OF CASE NO:1:13cv190, MY FEDERAL WRIT OF HABEAS CORPUS APPLICATION, (SEE EXHIBIT 29). ALSO, SEE DOCKET NO.26 IN MY "FEDERAL WRIT" TO SEE THE ONLY RECORDS PRODUCED BY THE STATE BACK IN 2013. EITHER THE STATE COURT WAS "IN CONTEMPT" OF THE U.S. DISTRICT COURT,(IN BROWNSVILLE),OR, THIS DOCUMENT HAD NOT BEEN IN EXISTENCE AT THAT TIME.WHICH WOULD MEAN THAT JUDGE LOPEZ "FALSIFIED YET ANOTHER DOCUMENT" BY "FABRICATING" THE DATE 10/10/12 AND THE NOTARY ALSO "FALSIFIED" HIS OR HER STAMP. IF THIS WERE A VALID CERTIFICATE, THEN THE COURT HAS SUCESSFULLY MADE MY FIRST "WRIT" 11.07, OF NO EFFECT... AS I "SUPPOSEDLY" FAILED TO CHECK THE BOX ON PAGE ONE OF THE WRIT, THAT I FILED IN 2013. THAT IS, THE "OUT OF TIME APPEAL".

THE DEFENSE ATTORNEY MR. SOROLA HAS ALSO ATTESTED TO A "FALSIFIED" "DOCUMENT" AS WELL. THIS WAS ALL DONE TO "CLOUD" THE FACT THAT I WAS SUPPOSED TO FILE A DIRECT APPEAL.

MR. SOROLA'S BILL TO THE STATE (SEE EXHIBIT 30)

I NOTICED RIGHT AWAY ON THIS FORM THAT MR. SOROLA ROBBED THE TAXPAYERS. HE NEVER VISITED ME IN COUNTY JAIL. THERE IS NO RECORD OF HIM VISITING ME IN COUNTY JAIL. I HAD NO CONSULTATION WITH HIM AT ALL! THIS MAN IS A LIAR! IF SOMEONE WOULD CHECK THE COUNTY JAIL VISITATION RECORDS, THE PROOF IS THERE.

"WRIT ONE" 11.07 "OVERVIEW" (SEE EXHIBIT 31) ON THE DAY OF MAKING MY "COLD PLEA", MY INVOLUNTARY GUILTY PLEA BEFORE THE JUDGE ON, 9/14/12... MY APPOINTED ATTORNEY, MR. SOROLA, TOLD ME THAT IF I GOT PRISON TIME, THAT HE WOULD BE THE ONE HANDLING MY "APPEAL". THIS WAS A CONDITION OF MY MAKING A GUILTY PLEA, "SUPPOSEDLY", "PROBATION". THIS IS WHAT MR. SOROLA HAD LED ME TO BELIEVE, BUT AFTER SENTENCING I HAD NO FURTHER CONTACT WITH MR. SOROLA, AND HE NEVER FOLLOWED THRU WITH ANY APPEAL OF ANY KIND. THIS IS A VALID GROUND. THE COURT LIED AND FALSIFIED NUMEROUS RECORDS... IN THE HOPES OF ME, BELIEVING THAT I DID NOT FOLLOW THE CORRECT PROCEDURE, BUT I DID FOLLOW THE CORRECT PROCEDURE AND THAT I SHOULD HAVE FILED MY FIRST "WRIT", AS AN "OUT OF TIME APPEAL", OR SO I THOUGHT. IT IS ONLY NOW THAT I FIND OUT THAT I CANNOT "SKIP" THE DIRECT APPEAL PROCESS.

THE "FINDINGS OF FACT" AND "CONCLUSION OF LAW" ARE BOTH FRAUDULENT! MY GUILTY PLEA WAS RENDERED INVOLUNTARILY, WHEN MR. SOROLA FAILED TO FOLLOW THRU ON ANY TYPE OF AN APPEAL.

THEN WE HAVE A "SUPPLEMENTAL CLERKS RECORD" OF A 2nd FILING FOR AN APPLICATION FOR A WRIT OF HABEAS CORPUS, AN "OUT OF TIME APPEAL". THIS SUPPLEMENTAL IS ALL ABOUT MY ATTEMPTS TO OBTAIN MY CLERK'S RECORD AND REPORTERS RECORD FREE OF CHARGE, AS I AM INDIGENT AND, FOR THE COURT TO APPOINT AN APPELLANT ATTORNEY TO FILE MY FIRST "OUT OF TIME APPEAL" THESE LETTERS IN NO WAY RESEMBLE A "WRIT" APPLICATION.

THE JUDGE THEN ORDERS HER CLERK TO SEND ME THE PROPER FORM (11.07) FOR AN "OUT OF TIME APPEAL" AND DID NOT ORDER HER CLERK TO FORWARD THESE LETTERS, "PRESUMED" (BY THE D.A.), TO BE AN "OUT OF TIME APPEAL APPLICATION", BUT INSTEAD TO RETURN THE LETTERS TO ME, AND I NEVER RECEIVED THEM. THE COURT CLERK MALICIOUSLY SENT A "FINDING OF FACT AND CONCLUSION OF LAW STATEMENT" TO THE COURT OF CRIMINAL APPEALS, (AND NOT THE LETTERS IN QUESTION), SO THAT IT APPEARS THAT I HAVE FILED A 2nd "WRIT ATTEMPT", (OR, A FIRST FILING OF AN "OUT OF TIME APPEAL")

APPELLATE ATTORNEY MR. KRIPPLE "LETTER OF APPOINTMENT" (SEE EXHIBIT 32)

THIS LETTER FROM MR. KRIPPLE IS INFORMING ME THAT HE WAS APPOINTED BY JUDGE LOPEZ (TRIAL COURT JUDGE). HOWEVER, HE DID NOT HAVE MY "BEST INTERESTS", AT HEART, AND HE WAS APPOINTED TO PROTECT THE COURT AND NOT ME. HE HAD A HAND IN "FALSIFYING" SOME OF MY, "FABRICATED RECORDS".

HE PUT ME IN A STATEMENT SITUATION FOR 2½ YEARS. I COULD NOT FILE ANYTHING WITHOUT HIM, AND I COULD NOT FIRE HIM, AND HE WOULD NOT RESIGN, UNTIL I FILED A FEDERAL LAWSUIT AGAINST HIM, SEE FEDERAL DOCKET, (IN EXHIBIT 33).

ATTORNEY SOROLA E-MAIL (SEE EXHIBIT 34)

HERE WE SEE THE INQUIRY AT THE BOTTOM OF THE PAGE, AND THE RESPONSE AT THE TOP OF THE PAGE TO MR. KRIPPEL, AND MR. SOROLA FLAT OUT LIES AND DOES NOT RECALL ANY "PROBATION" BEING MENTIONED.

YET, WE SEE FROM THE MINUTES OF MY "SENTENCING" (EARLIER IN THIS PRESENTATION, THAT "PROBATION" WAS THE SUBJECT OF THE DAY. (SEE AGAIN, EXHIBIT 23), AND I DO NOT BELIEVE THE STATE HAD ANY WITNESSE'S READY FOR TRIAL. THIS WAS A BLUFF TO MAKE ME BELIEVE THAT I HAD LITTLE CHANCE AT AN APPEAL.

MOTIONS AND ORDERS FOR FREE RECORDS AND TRANSCRIPTS(SEE EXHIBIT 35)

I TRIED TO GET MY RECORDS AND TRANSCRIPTS FOR 2 YEARS TO NO AVAIL. I SENT NUMEROUS REQUESTS TO THE COURT.

HOW IS IT THAT THIS APPOINTED ATTORNEY WAS ABLE TO GET ME MY RECORDS & TRANSCRIPTS, WHEN I WAS "IGNORED" BY THE COURT? MANY OF THE RECORDS THAT I HAVE NOW, WERE WITHHELD BY MR. KRIPPEL, THE APPELLANT ATTORNEY UNTIL LATER DATES, YEARS LATER!! I RECEIVED THE RECORDS IN PIECES.

HOW, THEN DID I HAVE A FAIR CHANCE OF FILING MY APPLICATIONS FOR WRIT OF HABEAS CORPUS UNDER ARTICLE 11.07? THEN MY FEDERAL "WRIT" APPLICATION, "2254", (BOTH BACK IN 2013).

2 LETTERS FROM APPOINTED APPELLATE ATTORNEY MR. KRIPPEL (SEE EXHIBIT 36)

IF YOU WILL, PLEASE TAKE TIME TO READ THESE LETTERS, YOU WILL SEE THAT I WAS GETTING THE PROVERBAL "RUN-AROUND", BY THIS ATTORNEY, AND HE HAS GOT AN EXCUSE FOR EVERYTHING HE LIES IN BOTH LETTERS, STATING THAT THE AUDIO RECORDING OF THE MINUTES OF THE COURT SESSION, "PLEA OF GUILTY", MATCH THE WRITTEN RECORDS. THIS STATEMENT IS A LIE!

"FEDERAL CIVIL SUIT" (AGAINST THE APPOINTED APPELLATE COUNSEL AND COURT REPORTER)
(SEE EXHIBIT 37)

THESE (2) CONSPIRED TO "TWART" MY APPELLATE EFFORTS WITH THE SAME LIE, THAT THE AUDIO RECORD OF THE COURT SESSION MATCHES THE WRITTEN RECORD, SIMPLY NOT TRUE, AND I HAVE BEEN TRYING TO GET THIS INVESTIGATED FOR THE PAST (7) YEARS! I NEED TO HEAR FOR MYSELF THE TRUTH, THAT BEING, THAT IT IS POSSIBLE THE TAPE WAS ALTERED OR DESTROYED BY NOW.

LOG ONTO THE U.S.D.C. RECORD OF THIS CASE, IF YOU GET A CHANCE, AND YOU WILL SEE MY VERY THOUROUGH PAPER TRAIL IN THIS EFFORT. THIS IS ONLY THE DOCKET.

MOTION AND ORDER TO WITHDRAW AS COUNSEL (SEE EXHIBIT 38)

FINALLY, I WAS ABLE TO GET RID OF THIS ARGUMENTIVE, NO GOOD ATTORNEY, WHO DID NOTHING FOR ME, BUT STALL ME FOR NEARLY, 2½ YEARS. HE FILED NOTHING IN MY BEHALF AND WAS OBVIOUSLY NOT "FOR ME", AND "FOR" THE COURT!

DOCKET OF FEDERAL CIVIL SUIT
AGAINST JUDGE LOPEZ, AND ASSISTANT D.A.
AND THE JUDGE AT THE TEXAS COURT OF CRIMINAL APPEALS (SEE EXHIBIT 39)

PLEASE, IF YOU GET A CHANCE, LOOK AT THIS ENTIRE CASE, ONLINE, WITH THE U.S. DISTRICT COURT. THIS WAS MY WAY OF GETTING RID OF THAT "BIASED", LADY JUDGE FOR GOOD,(JUDGE LOPEZ) REMEMBER, I WAS NOT TRIED IN THE COURT WITH THE PROPER JURISDICTION, THAT MY GUILTY PLEA, WAS IN VOLUNTARY!

"WRIT TWO" (SEE EXHIBIT 40) CASE OVERVIEW

QUESTION 14(C) ON THE "2254" APPLICATION ASKS, WHAT THE REASON IS FOR FILING A SUPPLEMENTAL WRIT, I GAVE A "LEGITIMATE" ANSWER, THE "DUE DILIGENCE" CLAUSE SHOULD BE ENOUGH TO EXPLAIN MYSELF, AFTER ALL I HAD, NO COURT RECORDS AT ALL WHEN I FILED A TIMELY, "11.07", (ALSO, THE "2254"). ALL OF THE FALSIFICATIONS, THAT ARE QUITE PROVABLE JUST BY LOOKING CLOSELY AT SOME OF THE RECORDS, AND THE REST ONLY TAKES A MINIMAL AMOUNT OF INVESTIGATION, THAT I AM NOT ABLE TO PERFORM INSIDE PRISON, (SUCH AS THE AUDIO AND VIDEO RECORDS OR LACK THERE OF), OR WITHOUT HELP OF AN ATTORNEY, ALL MY EFFORTS HAVE BEEN IGNORED BY THE COURTS AND THERE IS NOTHING I CAN DO ABOUT THAT.

THE REASON THAT THERE IS ALSO, A "SUPPLEMENTAL" CLERKS RECORD, IS BECAUSE OF THE FACT THAT I OBJECTED TO THE COURTS, THAT SEVERAL PAGES OF MY MEMORANDUM, HAD BEEN EDITED OUT BY THE TRIAL COURT, AND IT TOOK MONTHS FOR THE TRIAL COURT TO RETIFY THE PROBLEM. THIS WAS ONE OF MANY, "STALL TACTICS" THAT THE TRIAL COURT PERPETRATED AGAINST ME. I HAVE BEEN FIGHTING THIS FOR (8) YEARS DILIGENTLY... EVER SINCE I WAS ABLE TO VISIT ANY LEGAL LIBRARY TO FIND OUT THAT IN ACTUALITY I COMMITTED NO CRIME AT ALL, (AS THERE WAS NO INTENT). THE COUNTY JAIL WHERE I SPENT NEARLY A YEAR, WRONGFULLY HAS NO ACCESS TO ANY "LAW LIBRARY."

I SHOULD HAVE GOTTEN ACTION ON "WRIT TWO", AS WELL AS "WRIT ONE" AS IT TURNS OUT, THE JUDGE LIED IN HER ADMONISHMENTS, TELLING ME THAT I COULD NOT APPEAL, THIS WAS EVEN CONFIRMED BY THE S.C.F.O., ATTORNEY MONCURE, THATS JUDICIAL MISCONDUCT AND FALSE ADVISE AND BOTH MALICIOUS.

"WRIT NO. 3" (SEE EXHIBIT 41)

OVERVIEW

YOU CAN SEE ON PAGE ONE, THAT THIS IS NOT EVEN "WRIT NO. 3" BUT RATHER, MY OWN FIRST ATTEMPT AT "OUT OF TIME APPEAL" IT WAS DIRECTED BY JUDGE LOPEZ(BACK IN 2013), IN MY FIRST "WRIT ATTEMPT" (THAT SHOULD HAVE BROUGHT ACTION), THE REASON THE TRIAL COURT AND THE "TEXAS COURT OF CRIMINAL APPEALS", DENIED MY FIRST WRIT APPLICATIONS WAS BECAUSE I DID NOT CHECK THAT BOX ON PAGE ONE, "OUT OF TIME APPEAL", HOWEVER, IN COURT, THE DAY OF MY (IN VOLUNTARY) GUILTY PLEA ("COLD PLEA"), TO THE JUDGE, SHE DID IN FACT ADMONISHED ME,

THAT BY PLEADING GUILTY, THAT I "WAIVED" MY RIGHT TO APPEAL."

ONCE AGAIN, I COMPLAINED, THAT THE ADMONISHMENT PART HAS BEEN EDITED OUT OF THE "MINUTES" BY THE COURT REPORTER, AS FAR AS I KNEW IN 2013, WITH NO RECORDS AT ALL, MY ONLY RE COURSE WAS IN FACT, A "WRIT" APPLICATION, AND NOT AN "OUT OF TIME APPEAL," (AGAIN SEE "WRIT ONE") AND IN MY MIND, I WOULD NOT LET GO OF THE JUDGES STATEMENT, THAT I COULD NOT APPEAL! THIS IS ALSO WHY I FILED A 2nd "WRIT" ATTEMPT AFTER I WAS ENLIGHTENED WITH MY RECORDS, (OR, AT LEAST SOME OF THEM, THE REST WERE WITHHELD BY MY APPOINTED APPELLATE ATTORNEY, MR. KRIPPEL). THIS WAS NEW EVIDENCE AND MY 2nd "WRIT" APPLICATION SHOULD HAVE "FLOWN" BUT AGAIN IT WAS STRICKEN DOWN.

ON MY "OUT OF TIME APPEAL" (A.K.A. "WRIT 3"), IN MY "AUTHORITIES" SECTION ON PAGE 4 (FOLLOWING MY MEMORANDUM), YOU CAN SEE 2 CASES THAT I CITE, THAT SHOULD ALLEVIATE ANY NOTION THAT THE "SUBSEQUENT WRIT BAR" APPLIES TO AN "OUT OF TIME APPEAL", (EX PARTE SANTANA AND EX PARTE EVANS).

THIS IS IN ALL ACTUALITY, MY FIRST ATTEMPT AT AN "OUT OF TIME APPEAL", AND TREATED AS MY FIRST SWING AT THE BAT! THEN THE FOLLOWING 10 PAGES OF MY "AUTHORITIES" SECTION IS MY CASELAW THAT THE OTHER INMATES HAVE GIVEN ME OVER THE PAST (7) YEARS, AND THE "BEST PRESENTATION," THAT I NEED, A GOOD APPELLANT ATTORNEY TO REVIEW. IF YOU WILL NOTICE MY PAGE NUMBERS IN THE UPPER LEFT HAND QUARTER, OF MY 11 PAGES (OF CASE LAW), WE SEE THAT PAGES 2-9, HAVE NO "BATES NUMBER!"

AND THE REASON BEING, IS THAT THE TRIAL COURT CLERK "OMITTED", PAGES 2-9, WHEN IT WAS SENT TO THE "COURT OF CRIMINAL APPEALS," IN AUSTIN, TEXAS. ONLY 3 PAGES, (AND NOT 11 PAGES) OF CASELAW WERE SENT TO REVIEW BY COURT OF CRIMINAL APPEALS, AND STILL, TO DATE HAS NOT HAD ANY CHANCE TO REVIEW THEM. IT TOOK MONTHS AND MONTHS FOR THE TRIAL COURT CLERK TO SEND ME THOSE MISSING PAGES OF CASELAW (PAGES 2-9). SEE THE BATES NUMBERS, 40, 41, 42.

SO, I EVEN FILED A "WRIT OF MANDAMUS", IN THE COURT OF CRIMINAL APPEALS, TO GET THE COMPLETE PICTURE TO THEM, THAT, TOO WAS DENIED BY THE T.C.C.A., WHICH MEANS IN SHORT, IS THAT I STILL HAVE NOT EXHAUSTED MY STATE REMEDIES, AND SHOULD HAVE ANOTHER CHANCE TO FILE A LET "OUT OF TIME APPEAL", BECAUSE MY VOICE IS NOT EVEN BEING HEARD IN THE T.C.C.A., IT IS NECESSARY FOR ME TO HAVE AN ATTORNEY, ALSO, BECAUSE OF THE U.S. CIVIL SUIT THAT I FILED IN CAUSE NO. 1:16cv140 S.D. TEXAS.

WE HAVE A CONFLICT OF INTEREST ISSUE WITH THE APPOINTED APPELLATE ATTORNEY, MR. JOE KRIPPEL (OF PORTER, TEXAS), THAT WAS APPOINTED BY THE TRIAL COURT.

I DID ATTEMPT TO CONTACT JUDGE LEAL IN THAT DISTRICT, ON MORE THAN ONE OCCASION TO ASK FOR AN APPOINTED APPELLATE ATTORNEY (103rd DISTRICT COURT), AND I RECEIVED NO RESPONSE.

(SEE EXHIBIT 42)

15.

DOCKET FOR HA BIAS
ACTION - U.S.D.C. ~~S.D.~~ S.D. TEX: 1:13-190